

Effective on and after August 15, 1942

United States Department of Agriculture

BUREAU OF ANIMAL INDUSTRY

REGULATIONS GOVERNING APPRAISAL OF AND COMPENSATION FOR CATTLE DESTROYED ON ACCOUNT OF TUBERCULOSIS, PARATUBERCULOSIS, OR BANG'S DISEASE (BRUCELLOSIS)

Under the authority conferred upon the Secretary of Agriculture by section 3 of the act of Congress approved May 29, 1884 (23 Stat. 32; 21 U. S. C., 1940 ed. 114), section 2 of the act of Congress approved February 2, 1903 (32 Stat. 792; 21 U. S. C., 1940 ed. 111), and appropriate provisions of recurring annual appropriation acts for the Department of Agriculture (21 U. S. C., 1940 ed. 129), Part 51 of Title 9, Chapter 1, Subchapter B, Code of Federal Regulations, 1938 supplement, as amended (B. A. I. Order 367, as amended), is hereby revoked, and the following new Part 51 is hereby adopted in lieu thereof, effective August 15, 1942:

Part 51—Tuberculous, Paratuberculous, and Bang's Disease Reacting Cattle

SEC. 51.1. Definitions.—For the purpose of these regulations, the following words, names, and terms shall be construed, respectively, to mean:

- (a) *The Department*.—The United States Department of Agriculture.
- (b) *The Secretary*.—The Secretary of Agriculture of the United States.
- (c) *The Bureau*.—The Bureau of Animal Industry of the United States Department of Agriculture.

(d) *Bureau representative*.—Any inspector or other person employed by the Bureau who is authorized by the Chief of Bureau to do any work or perform any duty in connection with the arrest and eradication of tuberculosis, paratuberculosis, and Bang's disease (brucellosis) of animals.

(e) *Accredited veterinarian*.—Any veterinarian accredited by State and Bureau.

(f) *Destroyed*.—Condemned and destroyed by slaughter or by death otherwise.

SEC. 51.2. Payments to owners for cattle destroyed.—Owners of cattle destroyed because they are affected with tuberculosis, paratuberculosis, or Bang's disease of cattle shall be paid an indemnity not to exceed one-third of the difference between the appraised value of each animal so destroyed and the value of the salvage thereof, ascertained in accordance with the provisions of sections 51.3 and 51.6 hereof: *Provided, however*, That no such payment shall exceed \$25 for any grade animal or \$50 for any purebred animal: *And provided further*, That no such payment shall exceed the amount paid or to be paid by the State, Territory, county, or municipality where the animal shall be condemned.

SEC. 51.3. Appraisal of cattle.—Cattle affected with tuberculosis, paratuberculosis, or Bang's disease shall be appraised by a Bureau representative or a representative of the cooperating State, Territory, county, or municipality in which they are condemned. When thus appraised, due consideration shall be given to their breeding value as well as to their dairy or meat value. Cattle presented for appraisal as purebreds shall be accompanied by their registration papers at the time of appraisal, or they shall be appraised as grades: *Provided, however*, That, if the cattle are less than 3 years old and unregistered, the Chief of Bureau may grant a reasonable time for their registration and the presentation of their registration papers to the appraiser. The Bureau may decline to accept any appraisal that appears to it to be unreasonable or out of proportion

to the market value of similar cattle of a like quality. Appraisals shall not exceed any limit that may be set by the laws or regulations of the State, Territory, county, or municipality in which the cattle are condemned.

SEC. 51.4. *Report of appraisals.*—Appraisals made under section 51.3 hereof shall be reported on forms furnished by the Bureau (T. E. Form 23 (revised)), which shall show the number of cattle, the age and value of each, the registration names and numbers of all purebred cattle and the amount paid or to be paid for each animal by the State, Territory, county, or municipality in which it was condemned. The T. E. Form 23 (revised) shall be signed by the appraiser or appraisers and approved by the Bureau inspector in charge and a duly authorized official of the cooperating State, Territory, county, or municipality. It shall also be signed by the owner of the animals, or his agent, certifying that the appraisal is accepted by him and that the amounts stated to be due him from the United States and the cooperating State, Territory, county, or municipality are correct. One copy of the T. E. Form 23 (revised) shall be submitted to the Bureau with the claim for compensation provided for in section 51.7 and one copy shall be retained by the Bureau inspector in charge who approves the claim. Additional copies may be furnished to officials of the cooperating State, Territory, county, or municipality and to the owner, upon request.

SEC. 51.5. *Time limit for slaughter.*—Tuberculous, paratuberculous, or Bang's disease reacting cattle, for the elimination of which payment is to be made, shall be slaughtered within 15 days after the date of appraisal, except that the Bureau inspector in charge, for reasons satisfactory to him, may extend the period to 30 days and the Chief of Bureau, within his discretion, may extend it beyond 30 days.

SEC. 51.6. *Report of proceeds of marketing.*—A report of the salvage derived from the sale of each animal slaughtered in accordance with these regulations shall be made on T. E. Form 24 (revised) which shall be signed by the purchaser or his agent, or by the selling agent handling the animals. If the animals are sold by the pound, the T. E. Form 24 (revised) shall show the weight, price per pound, gross receipts, expenses, if any, and net proceeds. If the animals are not sold on a per pound basis, the net purchase price of each animal must be stated on the T. E. Form 24 (revised) and an explanation showing how the amount received was arrived at must be submitted. In the event that the animals are not disposed of through regular slaughterers or through selling agents, the owner shall furnish, in lieu of the T. E. Form 24 (revised), an affidavit showing the amount of salvage obtained by him, and certify that said amount is all that he has received or will receive as salvage for said animal or animals. A certificate executed by the inspector in charge will be accepted in lieu of the owner's affidavit. The salvage shall be considered to be the net amount received for the animal after deducting freight, truckage, yardage, commissions, slaughtering charges, etc., but no charges for holding animals on the farm pending slaughter or for trucking by the owner of the animals shall be deducted, and no such charges will be paid by the Department. One copy of T. E. Form 24 (revised) or the affidavit or certificate of the inspector in charge, furnished in lieu thereof, shall be submitted to the Bureau with the claim and one copy shall be retained by the Bureau inspector in charge who approves the claim. Additional copies may be prepared and furnished to the State, Territory, county, or municipal authorities, if required by them.

SEC. 51.7. *Claims for compensation.*—Claims for compensation for cattle destroyed on account of tuberculosis, paratuberculosis, or Bang's disease shall be presented on Standard Form 1034 (revised), or such other form as may be prescribed by the General Accounting Office, properly executed and accompanied by T. E. Form 23 (revised), and by T. E. Form 24 (revised) or the affidavit or certificate in lieu of T. E. Form 24 (revised) authorized by section 51.6.

SEC. 51.8. *Claims not allowed.*—Claims for compensation for cattle destroyed on account of tuberculosis, paratuberculosis, or Bang's disease shall not be allowed if any of the following circumstances exists:

(a) If the claimant has failed to comply with any of the requirements of these regulations.

(b) If the existence of either disease in the cattle was not determined as the result of a tuberculin, johnin, or agglutination test applied by a Bureau veterinarian, a cooperating, regularly employed, State, Territorial, county, or municipal veterinary inspector, or an accredited veterinarian.

(c) If the existence of either disease in the cattle was determined as the result of a tuberculin, johnin, or agglutination test applied by an accredited veterinarian and specific instructions for the administration of such test had not previously

been issued to such veterinarian in writing by the proper State and Federal authorities.

(d) If the cattle are classified as tuberculous or paratuberculous, unless they have reacted to the tuberculin or johnin test or reveal lesions of either disease upon autopsy.

(e) If, at the time of their condemnation the cattle were not in a State, Territory, county, or municipality in which cooperative tuberculosis, paratuberculosis, or Bang's disease eradication work was being conducted.

(f) If the claim is not to be paid in cooperation with, and supplementary to payments to be made by, the State, Territory, county, or municipality in which said cattle were condemned.

(g) If any part of the claimant's herd has not been tested under Federal and State supervision for the eradication of tuberculosis, paratuberculosis, or Bang's disease.

(h) If the premises occupied by the cattle have not been properly cleaned and disinfected with a disinfectant permitted by the Bureau in accordance with recommendations of the proper State or Bureau official.

(i) If the cattle are steers, unless they are work oxen, or if they are bulls and are not purebred.

(j) If the cattle were destroyed on account of tuberculosis or paratuberculosis, unless they were marked for identification by branding the letter "T" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and the inscription "U. S. B. A. I. Reactor" or a similar State reactor tag shall have been suitably attached to the left ear of each animal.

(k) If the cattle were destroyed on account of Bang's disease, unless they were marked for identification by branding the letter "B" on the left jaw, not less than 2 nor more than 3 inches high, and unless a metal tag bearing a serial number and inscription "U. S. B. A. I. Reactor, B. D.", or a similar State reactor tag shall have been suitably attached to the left ear of each animal.

(l) If the cattle reacted positively to the agglutination blood test for Bang's disease and, at any time after they became 8 months old, they had been vaccinated with any vaccine made from or through the agency of Brucella micro-organisms; or if they reacted positively to such test and they had been vaccinated with such a vaccine when they were 8 months old or less, unless 18 months had elapsed between the date of vaccination and the date of reaction.

(m) If the cattle are calves under 6 months old which have reacted only to the agglutination blood test for Bang's disease.

(n) If there is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such cattle.

SEC. 51.9. *Part 53 (B. A. I. Order 237) not applicable.*—No claim for compensation for cattle destroyed on account of tuberculosis, paratuberculosis, or Bang's disease shall hereafter be paid or allowed under the regulations contained in Title 9, Chapter 1, Subchapter B, Part 53, Code of Federal Regulations (B. A. I. Order 237), but all such claims shall be presented and paid pursuant to and in compliance with regulations contained in this order.

Done at Washington this 13th day of August 1942.

Witness my hand and the seal of the Department of Agriculture.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.



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